

November 2, 2021

***Via ECFS***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street, NE  
Washington, DC 20554

Re: Notice of Ex Parte Meeting, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59

Dear Ms. Dortch:

On October 29, 2021, representatives of the American Bankers Association, Credit Union National Association, ACA International, American Association of Healthcare Administrative Management, American Financial Services Association, National Association of Federally-Insured Credit Unions, National Council of Higher Education Resources, Student Loan Servicing Alliance, and American Express<sup>1</sup> (the Associations) met telephonically with David Strickland, Acting Legal Advisor for Consumer, Enforcement, and International issues for Chairwoman Jessica Rosenworcel.<sup>2</sup> During the meeting, the Associations discussed USTelecom's Petition for Reconsideration<sup>3</sup> and recent *ex parte* communications regarding the requirement in the Fourth Report and Order that voice service providers that block calls must notify callers of the block using SIP Codes 607 and 608 and, for TDM networks, ISUP Code 21 beginning on January 1, 2022.<sup>4</sup>

During the meeting, the Associations respectfully urged the Commission to retain the specific notification mechanisms required by the Fourth Report and Order and listed above, and not replace those requirements with a requirement to use SIP Code 603 to signal network-level

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<sup>1</sup> The names of attendees are listed in the Appendix.

<sup>2</sup> The October 29 meeting builds on the efforts of 10 caller-side industry trade associations, including all of the Associations, which previously submitted comments to the Commission opposing USTelecom's request to eliminate the requirement that voice service providers use SIP Codes 607 and 608 and, for TDM networks, ISUP Code 21, to provide notification of blocking. See Comments of American Bankers Association *et al.*, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket 17-59 (filed Jun. 4, 2021), [https://ecfsapi.fcc.gov/file/1060525288384/ABA\\_JointTrades\\_Comment\\_USTelecomPetition\\_2021\\_06\\_04\\_final\\_clean.pdf](https://ecfsapi.fcc.gov/file/1060525288384/ABA_JointTrades_Comment_USTelecomPetition_2021_06_04_final_clean.pdf).

<sup>3</sup> Petition for Reconsideration and Request for Clarification of USTelecom – the Broadband Association, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket 17-59 (filed May 6, 2021).

<sup>4</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Fourth Report and Order, 35 FCC Rcd 15221, 15239-242, ¶¶ 52-61 (2020).

blocked calls.<sup>5</sup> As described in greater detail in the Associations’ October 26, 2021, *ex parte* letter, SIP Code 603 does not provide “actionable” information — that is, information that the recipient of the code (the company making the call or its telecommunications provider) recognizes immediately as requiring the caller to take action to address the blocking.<sup>6</sup> If SIP Code 603 continues to be used for its intended purpose (that the called party declined the call), as well as for end-user initiated blocking and analytics-based blocking, recipients of that code will be required to decipher on a carrier-by-carrier basis the reason behind the code, defeating the Commission’s purpose of affording called parties a clear and unambiguous notification that they can quickly act upon by contacting the blocking party.

In light of concerns raised by certain voice service providers that the SIP Codes will not be ready to be implemented by the January 1, 2022 deadline, we proposed a six-month extension of the deadline, provided that the Commission receive status reports at reasonable intervals to track implementation progress. A number of options is available to the Commission to achieve this result, including deferring enforcement of the notification obligation for six months, similar to the Commission’s recent decision to defer enforcement of the foreign voice service provider rule, in the Commission’s proposal regarding that rule.<sup>7</sup> Alternatively, the Commission could grant USTelecom’s request in part by setting a new deadline while retaining the requirement to implement SIP Codes 607 and 608 within the new timeframe. This extension would provide voice service providers with a total of 18 months to implement the requirements in the Fourth Report and Order. Extending the deadline for a maximum of six months alleviates concerns that providers may cease blocking unlawful calls because they cannot implement the Commission’s notification requirement by the current deadline.

We urge the Commission to deny USTelecom’s request to eliminate the specific notification requirements required by the Fourth Report and Order and to replace those requirements with a requirement to use SIP Code 603 to provide notification of blocking. That request is contrary to the public interest and to the TRACED Act’s mandate that the Commission ensure “transparency and effective redress options” for erroneously blocked calls.<sup>8</sup> We also urge the Commission to deny USTelecom’s recently filed request for an indefinite stay or waiver of the requirement to notify callers that their calls are being blocked.<sup>9</sup>

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<sup>5</sup> The Associations have no objection, at this time, to clarifying that blocking notifications are not required when blocking calls from Do Not Originate numbers or from invalid numbers, because we are not aware of adverse impacts to lawful calls from this blocking.

<sup>6</sup> See Ex Parte Letter of Credit Union National Association *et al.*, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket 17-59 (filed Oct. 26, 2021), <https://ecfsapi.fcc.gov/file/1026017570726/Trades%20notification%20ex%20parte.pdf>.

<sup>7</sup> See, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 and Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, FCC 21-105, ¶ 106 (rel. Oct. 1, 2021).

<sup>8</sup> Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act), §10(b) (codified at 47 U.S.C. 227(j)).

<sup>9</sup> Request of USTelecom – The Broadband Association for Emergency Stay or Waiver in the Alternative, CG Docket No. 17-59 (filed Oct. 26, 2021).

Thank you for your consideration of these views.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Thessin". The signature is written in a cursive style with a large, looping initial "J".

Jonathan Thessin  
Vice President/Senior Counsel  
Consumer & Regulatory Compliance  
Regulatory Compliance and Policy

## **APPENDIX**

The following trade association representatives attended the meeting:

- Jonathan Thessin, American Bankers Association
- Elizabeth LaBerge, Credit Union National Association
- Michael Pryor, Brownstein Hyatt Farber Schreck, LLP (on behalf of Credit Union National Association)
- Leah Dempsey, ACA International
- Arpan Sura, Hogan Lovells LLP (on behalf of American Association of Healthcare Administrative Management)
- David Androphy, American Financial Services Association
- Dale Baker, National Association of Federally-Insured Credit Unions
- Shelly Repp, National Council of Higher Education Resources
- Scott Buchanan, Student Loan Servicing Alliance
- Matthew O'Donnell, American Express